

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Richard R. Anderson et al.

Application No. 10/709,122

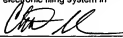
Confirmation No. 3121

Filed: April 14, 2004

Art Unit: 1616

For: METHODS AND DEVICES FOR EPITHELIAL  
PROTECTION DURING PHOTODYNAMIC  
THERAPY

Examiner: L. E. Karpinski

Certificate of Transmission	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).	
Dated: April 9, 2009	Signature:  (Charlton Shen)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits in the RCE, whichever occurs first, but before the mailing date of a Final Office Action in the RCE or Notice of Allowance (37 CFR 1.97(c)).

Applicant(s) have become aware of the following documents, cited in a Japanese office action in a translated letter dated March 11, 2009, during the prosecution of unrelated JP Appl No 2001-555586, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submit(s) these documents for the Examiner's

consideration. These documents are cited on the enclosed PTO Form SB/08, and a copy of each document required under 37 CFR 1.98(a)(2) cited thereon are enclosed as well.


The undersigned hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to my knowledge after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement each item contained in this Information Disclosure Statement was first cited in a communication from a patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b). It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

No fee is believed to be due with this filing, however, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 22727-110.

Dated: April 9, 2009

Respectfully submitted,

By   
Charlton Shen  
Registration No. 54,442  
NUTTER MCLENNEN & FISH LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2437  
(617) 310-9437 (Fax)  
Attorney for Applicant